

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:20-cr-110-DCB-FKB-1

LAKENNTH JDARRIOUS SMITH

ORDER

This cause is before the Court on two letters [ECF Nos. 121-122] from the defendant Lakennth JDarrious Smith ("Defendant"), which the Court construes as motions for copies. Defendant asks the Court for copies of: (i) an up-to-date docket sheet for all defendants in case number 3:20-cr-110; (ii) Defendant's plea agreement; (iii) his sentence hearing transcripts; (iv) his plea hearing transcripts; and (v) sentencing memoranda. Defendant cites no legal precedent or facts to support his request; he simply asks, without explanation, for copies "at the Court's earliest convenience."

It is well-established under Fifth Circuit precedent that a prisoner has no right to obtain copies of court records on the grounds of indigency, to look for possible defects, or for various other reasons. E.g., Walton v. Davis, 730 Fed. Appx. 233, 234 (5th Cir. 2018) ("The records will not be provided where a movant contends that he needs them to formulate a claim or to

review for facts that may support a potential habeas petition."); United States v. Stewart, 37 F.3d 630 (5th Cir. 1994); Bennett v. United States, 437 F.2d 1210, 1211 (5th Cir. 1971); Blackshear v. Ambriz, No. CIV.A.C-08-117, 2008 WL 2736885, at *1 (S.D. Tex. June 18, 2008). A judge may, however, order that a prisoner be provided with free copies of documents or parts of the record if: (i) pending before that judge is the prisoner's application for a writ of habeas corpus; and (ii) an order has been entered that permits the habeas petitioner to prosecute the application in forma pauperis. 28 U.S.C.A. § 2250.

On this record, Defendant has no application for a writ of habeas corpus that is pending before this Court, and he has presented no legal or factual basis that would entitle him under federal law to the copies he has requested.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motions for Copies [ECF Nos. 121-122] are **DENIED**.

SO ORDERED, this the 14th day of April 2023.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE